EDMUND G. BROWN JR. Attorney General of California 2 MARC D. GREENBAUM Supervising Deputy Attorney General 3 BRIAN G. WALSH Deputy Attorney General 4 State Bar No. 207621 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2535 5 6 Facsimile: (213) 897-2804 Attorneys for Complainant 7 BEFORE THE BOARD OF REGISTERED NURSING 8 DEPARTMENT OF CONSUMER AFFAIRS 9 STATE OF CALIFORNIA 10 2011-74 11 Case No. In the Matter of the Accusation Against: 12 ACCUSATION ERIKA CONCEPCION DORATI 1765 N. Oxford Avenue 13 Pasadena, CA 91104 Registered Nurse License No. 688313 14 Respondent. 15 16 17 Complainant alleges: 18 **PARTIES** Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her 19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, State of 20 21 California. On or about September 7, 2006, the Board of Registered Nursing (Board) issued 22 Registered Nurse License Number 688313 to Erika Concepcion Dorati (Respondent). The 23 Registered Nurse License was in full force and effect at all times relevant to the charges brought 24 25 herein and will expire on January 31, 2012, unless renewed. 26 /// 27 /// 28

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#### JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

# STATUTORY PROVISIONS

- 4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
  - 5. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

. . . .

- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."
- 6. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

## **REGULATORY PROVISIONS**

7. California Code of Regulations, title 16, section 1444, states in part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

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#### COST RECOVERY

8. Section 125.3 provides, in pertinent part, that the Board may request that the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### CAUSE FOR DISCIPLINE

# (Conviction of a Substantially-Related Crime)

9. Respondent is subject to disciplinary action under section 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent has been convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered nurse. On or about January 26, 2009, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 243, subdivision (e)(1) [battery on a former spouse] in the criminal proceeding entitled *The People of the State of California v. Erika Concepcion Dorati* (Super. Ct. Los Angeles County, 2009, No. 9PS00202). Respondent was ordered to complete a 52-week domestic violence program. The underlying circumstances occurred on or about December 24, 2008, when Respondent was arrested after striking her former spouse in the back of the head during a custody exchange involving their daughter.

### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

Revoking or suspending Registered Nurse License Number 688313, issued to
 Respondent;

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| 1  | 2. Ordering Respondent to pa  | ay the Board the reasonable costs of the investigation and |
| 2  | enforcement of this case, pursuant to section 125.3; and                |  |
| 3  | 3. Taking such other and further action as deemed necessary and proper. |  |
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| 6  | Malia   |  |
| 7  | DATED: 1/2010   | LOUISE R. BAILEY, M.ED., RN                                |
| 8  |   | Interim Executive Officer Board of Registered Nursing      |
| 9  |   | State of California State of California                    |
| 10 |   | Complainant  |
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